

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROMAN LAZCANO-ACOSTA

Defendant.

8:17CR375

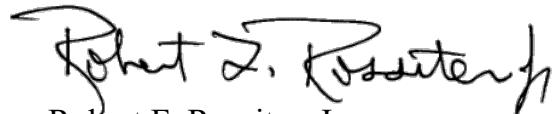
ORDER

This matter is before the Court on defendant Roman Lazcano-Acosta’s (“Lazcano-Acosta”) Motion to Reduce Sentence (Filing No. 240) pursuant to 18 U.S.C. § 3582(c)(1)(A)(i). That statute permits a federal prisoner to move the Court to “reduce [their] term of imprisonment” for “extraordinary and compelling reasons.” A prisoner, however, can only file such a motion after he “has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons [(“BOP”)] to bring a motion on [his] behalf or the lapse of 30 days from the receipt of such a request by the warden of the [his] facility, whichever is earlier.” *Id.*; *see also United States v. Raia*, 954 F.3d 594, 595 (3d Cir. 2020) (denying a defendant’s motion under § 3582(c)(1)(A) because he did not give the BOP thirty days to respond to his request for compassionate release).

Lazcano-Acosta’s motion fails to address whether he has taken any steps to exhaust his administrative remedies. His failure to show he has complied with § 3582(c)(1)(A)(i)’s statutory prerequisites prevents the Court from reviewing his request for a sentence reduction at this time. *Raia*, 954 F.3d at 597. The Court also notes Lazcano-Acosta has not shown “extraordinary and compelling” reasons to reduce his sentence. He does not offer evidence of any medical condition that places him at high risk for contracting COVID-19. *Id.* (noting that a defendant must show some particularized susceptibility to the virus). Accordingly, Lazcano-Acosta’s motion for compassionate release is denied without prejudice.

Dated this 5th day of January 2021.

BY THE COURT:



Robert F. Rossiter, Jr.
United States District Judge